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Convention on the Elimination of All Forms of Discrimination against Women

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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined initial, second and third periodic reports (submitted in one document) of Monaco

Addendum

Replies of Monaco*

[Date received: 19 June 2017]

Constitutional and legislative framework

1. **The report indicates that, under Monegasque law, international treaties and agreements signed and ratified by the Prince take precedence over domestic laws, but not the Constitution (paragraphs 95 and 96). Paragraph 98 of the report also notes that the Convention on the Elimination of all Forms of Discrimination against Women was given the force of law by Sovereign Ordinance No. 96 of 16 June 2005. Please provide examples of the Convention being directly invoked by litigants before the courts. Please also provide information on how priority attention is being given by the State party to the incorporation of all the provisions of the Convention into its national laws.**

Direct invocation before the courts of Monaco

1. Provided that their content is not at variance with the Constitution, international treaties, once they have been ratified and published, are directly applicable in Monaco. They are incorporated in Monegasque domestic law by a sovereign ordinance having the force of law.

2. Thus, the Convention on the Elimination of All Forms of Discrimination against Women, adopted in New York on 18 December 1979, was given legal effect

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* The present document is being issued without formal editing.

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by Sovereign Ordinance No 96 of 16 June 2005. In addition, the Optional Protocol to the Convention, which was adopted on 6 October 1999 and entered into force on 22 December 2000, was given legal effect by Sovereign Ordinance No. 6.212 of 23 December 2016.

3. As a consequence, these international legal instruments relating to discrimination against women form an integral part of Monegasque positive law and may therefore be invoked by any citizen before the courts of Monaco. That said, however, no significant jurisprudence has been recorded in this area since the entry into force of these instruments.

Incorporation of the Convention into domestic law

4. In line with its commitment to human rights, the Principality of Monaco is at pains to ensure the effective implementation of the international instruments to which it is a party. The national report submitted in 2016 and the responses set out in the present document reflect the measures taken by the Monegasque authorities to ensure compliance with the Convention.

2. The State party ratified the Convention with reservations to articles 7 (b), 9, 16 (1) (e) and (g) and 29 (2). The report indicates that the State party does not rule out the possibility of withdrawing some of these reservations in the future (para. 83). Please indicate what steps have been taken, including a time frame, to withdraw and/or reduce the scope of the reservations.

5. Some of the reservations were entered because of the specific circumstances of the Principality of Monaco and these cannot be withdrawn. This applies in particular to succession to the throne, which is one of the pillars upholding the institutional system of Monaco.

6. Where other reservations or declarations are concerned and given the evolution of Monegasque domestic law, it is conceivable that a study will be conducted on their scope.

7. The reservation to article 16,[1] on the choice of family name, is being studied in the light of the adoption, at the end of 2016, of Act No. 1.440 amending certain provisions of the Civil Code relating to the name and establishing pre-birth recognition of the child.

8. Information concerning the possible withdrawal of this reservation will be provided during the State party's dialogue with the Committee in autumn 2017.

3. In paragraph 104, the report indicates that the State party applies the principle of non-discrimination in accordance with article 17 of its Constitution, which provides that all Monegasque citizens are equal before the law and that none enjoy preferential status. Please indicate whether the Constitution contains a comprehensive definition of discrimination against women that encompasses both direct and indirect discrimination in both the public and private spheres, in line with article 1 of the Convention and target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere If it does not, please indicate whether the State party envisages the inclusion of such a definition in the Constitution or some other appropriate piece of legislation.

9. Chapter III of the Constitution of 17 December 1962 is entitled "Fundamental freedoms and rights". It protects the fundamental freedoms of the citizens of

[1] "The Principality of Monaco does not consider itself bound by article 16, paragraph 1 (g), regarding the right to choose a family name."

Monaco, among which is equality before the law for all citizens, including the equality of men and women (article 17).

10. Thus, even though there is no comprehensive definition of discrimination against women, the civil and political rights set forth in the Constitution are the same for men and women.

11. In addition, this principle is reflected in domestic law in the equal access of women to the labour market, their equal access to education without discrimination, equality in the exercise of professional activities, equal political rights and equality in respect of nationality.

4. Provide information on any training programmes on the Convention and the Optional Protocol thereto that are being conducted for the benefit of government officials, police officers, law enforcement officials, judges, lawyers, prosecutors and other actors in the justice system. Please indicate whether such training is systematic and/or a mandatory requirement.

Initial training of staff in the judiciary and the police

12. The initial training of judiciary staff and police officers includes matters relating to human rights.

13. Thus, a module on discrimination is taught to police cadets at the Police Academy of the Police Department.

14. As for the judiciary of the Principality of Monaco, this is composed of Monegasque judges and seconded French judges, all of whom are trained at the National Legal Service College, located in Bordeaux, France. Thus, under an agreement between the Department of Justice and the French National Legal Service College, Monegasque judges, recruited by competitive examination, undergo the initial training followed by French trainee magistrates. The theoretical training is identical (subject areas, lectures, workshops, technical instruction).

15. The practical training, however — placements in the courts or with services and institutions involved in the operation of the justice system — differs somewhat for Monegasque judicial trainees.

In-service training of all law enforcement officials

16. Furthermore, the Monegasque authorities are carrying out many specific human rights education initiatives as part of the in-service training of all civil servants and law enforcement officials, including judges, the Police Department and legal practitioners.

17. In Monaco, the Department of Justice regularly organizes talks to raise awareness among members of the legal community and to broaden their knowledge.

18. For example, in December 2014, one of these talks, given by Mr. Jean-François Renucci, professor at the Faculty of Law of the University of Nice Sophia-Antipolis and a recognized expert in the field of human rights, explored the theme of the prohibition of discrimination under the European Convention on Human Rights.

Training courses relating to the suppression of specific forms of violence

19. In addition, as part of the implementation of Act No. 1.382 of 20 July 2011 on the prevention and punishment of specific forms of violence, the Government of Monaco has organized training courses to ensure that victims have access to qualified experts and that professionals working in this area have the best training

so that they are able to provide the most effective and appropriate support to victims, taking into account in particular the psychological distress that they have suffered.

20. To date, two training sessions have been organized by the Human Resources and Training Department. The course were attended by social workers, specialized teachers, school nurses and doctors, judges, staff of the Department of Justice, detectives and criminal investigation officers. In addition, where medical staff are concerned, two doctors from the Psychiatry Department of Princess Grace Hospital have completed a training programme on the subject of violence.

Training courses in psychosocial risks

21. Lastly, it should be noted that all senior civil servants with responsibilities in the area of human resources have undergone training and awareness-raising in the area of psychosocial risks. Among other things, they have been taught to detect the signs of possible psychological distress among their staff and to identify methods that could be used to help them.

Access to justice

5. Provide information on the steps taken to make women aware of their rights and how to claim them. Please indicate whether a legal aid system is in place to facilitate women's access to justice and explain the eligibility criteria for such aid. Is there a special legal aid programme for vulnerable groups of women? Please provide the Committee with data on the number of complaints of discrimination filed by women to the High Commission for the Protection of Rights, Liberties and for Mediation since its establishment.

Women's awareness of their rights and how to assert them

22. Awareness campaigns are regularly conducted in the Principality of Monaco in the area of human rights targeted, in particular, at women.

23. For example, in November 2016, the Government, the National Council (parliament), the High Commission for the Protection of Rights, Liberties and for Mediation, and voluntary associations took part in events to mark International Day for the Elimination of Violence against Women.

24. The involvement of Monaco in activities for the International Day included the following:

(a) Organizing a lecture, open to the public, on the theme of mobilizing everyone to combat violence against women;

(b) Running a poster campaign to raise awareness among the public;

(c) Setting up an anonymous and free helpline, for victims of domestic violence to use in obtaining information;

(d) Launching an information page on the victims of violence, on the Monaco Government website.

25. The High Commission for the Protection of Rights, Liberties and for Mediation endeavours to resolve the situation of any individual or legal entity in the Principality that claims to have been the victim of unjustified discrimination. As part of this undertaking, the scope of the High Commission's authority extends to the private sector.

26. In discharging those responsibilities, it works to raise awareness of the need to combat discrimination. The website of the High Commission may be found at: https://hautcommissariat.mc institution.

Legal aid

27. Legal assistance is intended to enable individuals with insufficient resources to assert their rights in court.

28. It may be granted on an exceptional basis to non-profit corporate bodies based in Monaco, provided that their action or situation appears to merit special attention in view of the matter in dispute and their inability to bear the expected costs of the proceedings.

29. Legal aid is available in all matters. In criminal matters, it may be granted only to claimants for criminal indemnification. In the event of accidents at work, legal aid is granted as a matter of law and no application needs to be lodged.

30. The annual income limit of persons seeking legal aid is set at 20.000 euros. At the discretion of the Legal Aid Office, the assessable income may be adjusted in accordance with the specific outlays or family expenses of the applicant, on the basis of the documents submitted in support of the application.

31. In emergencies and where the dispute is jeopardizing the applicant's essential living conditions, eligibility for legal aid may be accorded on a provisional basis by the head of the Legal Aid Office, by means of a letter.

Cases handled by the High Commission

32. In 2015 and 2016, nine complaints of discrimination were brought before the High Commission for the Protection of Rights, Liberties and for Mediation. These complaints related to the following areas:

(a) Religion — two;

(b) Nationality — two;

(c) Sexual orientation — one;

(d) Family circumstances — one;

(e) Disability — one.

33. The High Commission's 2015-2016 activity report may be consulted on its website.

Temporary special measures

6. The report provides little information on the use of temporary special measures to accelerate de facto equality between women and men, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 of 2004. Provide updated information on whether temporary special measures, including the use of quotas, are in place to increase the representation of women and girls in all areas covered by the Convention.

34. There are some differences of treatment, based on positive discrimination between men and women in the field of employment. More favourable regulations are applied in the following situations:

(a) Night work;[2]

(b) Periods of rest during the day and between two successive working days;[3]

(c) Additional leave for parents of dependent children;[4]

(d) Stronger protection for difficult or dangerous work.[5]

35. In addition, Act No. 870 of 17 July 1969, as amended by Act No. 1.245 of 21 December 2001, on the employment of pregnant women and nursing mothers, sets out the following provision: no female employee may be dismissed once her pregnancy has been medically confirmed, or during the periods of suspension of the employment contract to which she is entitled by way of maternity leave.

36. In addition, the Government ensures that women are able to benefit from adequate social welfare measures aimed at achieving a better work-life balance, such as the provision of maternity leave, the payment of family allowances, and flexible working arrangements and schedules.[6]

37. In addition to antenatal and postnatal leave, there are legal provisions allowing a mother to suspend her employment contract for the purpose of child-rearing and according her priority for re-employment.

38. Furthermore, Act No. 994 of 5 January 1977 provides for the suspension or termination of an employment contract in the event of illness of a dependent child, which allows a working parent to stop work in order to nurse the sick child.

39. Community and family crèches are available for use by working mothers.

40. Act No. 1.275 of 22 December 2003 introduced the option of part-time work in the public sector, which already existed in the private sector; an act on teleworking was adopted in June 2016.

41. Lastly, social security agreements concluded with France and Italy allow women who are nationals of those countries working in Monaco to receive the social and medical benefits offered by the Principality's social security system, on the same footing as women resident in Monaco. Similarly, the option of sending their children to school or placing them in crèches in Monaco is also available to all female employees in the Principality, subject to the number of available places.

National machinery for the protection of women

7. The establishment of a national machinery tasked with the implementation of the Convention is not mentioned in the report. Please provide information as to whether the State party has put in place an effective national machinery with the mandate and capacity, both financial and technical, to implement the Convention. Indicate what efforts have been made by the State party with regard to the implementation of the Sustainable Development Goals, in particular target 5.1. Also provide information regarding the existing system

[2] Article 11 of Statutory Order No. 677 of 2 December 1959 on working hours, as amended.

[3] Articles 10 and 12 of Statutory Order No. 677 of 2 December 1959.

[4] Article 4 bis of Act No. 619 of 26 July 1956 on the system of annual paid leave, as amended.

[5] Ministerial Order No. 58-168 of 29 May 1958 concerning special occupational health and safety measures for women and children.

[6] The following types of parental leave are designed to ensure a better work-life balance:
- Maternity leave lasting at least 16 weeks (Act No. 870 of 17 July 1969 on the employment of pregnant women and nursing mothers, as amended by Act No. 1.245 of 21 December 2001);
- Paternity leave (Act No. 1.309 of 29 May 2006); adoption leave (Act No. 1.271 of 3 July 2003).

for the collection, sharing and analysis of data, disaggregated by sex and age, pertaining to all areas covered by the Convention.

Implementation of the Convention

42. There are several entities cooperating in the implementation of the international commitments of the Principality of Monaco in the area of human rights, in particular the rights of women.

43. In addition, the effectiveness of networking is facilitated in Monaco:

(a) By the proximity of all those involved, whether from the government services, the courts, the municipality, the social security system, the health services (in particular the Princess Grace Hospital, a public facility), or civil society;

(b) Where certain government services are concerned, by their consolidation within a single supervisory entity: for example, the Ministry of Health and Social Affairs oversees entities in the health and social welfare sector, and also those of social security, labour and employment.

44. Moreover, the Government's 2017 programme of action sets as one of the priority areas of government action the pursuit of a policy of active solidarity in favour of the most vulnerable population groups.

Collection of data

45. Given its limited geographical area, there is no body in the Principality of Monaco dedicated solely to collecting data on women's rights. These data are logged, however, by the various services concerned (Department of Justice, Department of Social Welfare and Social Services, Police Department and others) and some are publicly available upon request.

46. In addition, attention is drawn to the establishment, in 2011, of the Monegasque Institute of Statistics and Economic Studies, which was set up to gather, interpret and publish as comprehensively as possible key figures relating to activities in the Principality. It is also possible that, in the future, surveys will be conducted by that body on specific themes related to human rights.

Stereotypes

8. Little information is provided in the report on the efforts made to eliminate discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society. Please indicate what steps are being taken to combat, modify or eliminate negative practices and patriarchal stereotypes that are harmful to and discriminate against women. Are there plans to adopt an overall strategy to eliminate gender stereotypes relating to women in general and in schools, the family and society at large?

47. Human rights education is one of the priorities of the education policy of Monaco. In this context, the Department of Education is introducing many projects in the Principality's schools to encourage discussion among schoolchildren on the type of behaviour conducive to the building of self-respect, respect for others and mutual assistance and to encourage a greater sense of responsibility among young people.

48. In this context, activities are conducted to raise awareness of all forms of discrimination, including discrimination between men and women.

49. Over the past two years, an active policy has been set in place to combat harassment and cyberbullying in schools. As part of this venture, an experimental peer-mediation project at schools has been launched at Charles III College. In this regard, issues relating to stereotypes are given the most careful attention.

50. In addition, awareness-raising campaigns that deal with the rights of women are being carried out for the general public in Monaco.

51. As an example, attention is drawn to the activities conducted in November 2016 as part of the events to mark International Day for the Elimination of Violence against Women (see further details below).

Violence against women

9. Provide updated data on the prevalence and measures taken to prevent and combat all forms of violence against women, including domestic violence, in accordance with the Committee's general recommendation No. 19 (1992). Please include information on the support services that are available to women and girls who are victims of gender-based violence and on the number of prosecutions, convictions and sentences imposed on perpetrators.

Raising awareness of the need to combat violence against women

52. For many years, the Ministry of Health and Social Affairs has been supporting efforts to promote new forms of family cohesion and to prevent violence within families by organizing advocacy and family mediation efforts by professionals working with families.

53. On 25 November 2016, Monaco observed International Day for the Elimination of Violence against Women.

54. The involvement of Monaco in the events of this international day is the result of a joint debate between the Government, the National Council, the High Commission for the Protection of Rights, Liberties and for Mediation and civil society groups associated with this cause.

55. A poster campaign was launched to raise awareness among members of the public. It was covered on the government website and the websites of the civil society groups, and also on social media.

56. In addition, an anonymous and free helpline has been set up, for victims of domestic violence to use in obtaining information: 116.919.

57. Among other measures, an information page dedicated to victims of violence has been set up on the Monaco Government website (http://service-public-particuliers.gouv.mc/Social-sante-et-famille/Action-sociale/Victimes-de-violences/Aides-aux-victimes-de-violences).

58. In 2017, Monaco will participate once again in activities to mark International Day for the Elimination of Violence against Women.

59. Lastly, in a parallel undertaking, Monaco has launched a training campaign on caring for victims of violence, intended for civil service employees and hospital staff.

Strengthening the legal framework: Act No. 1.382 on the prevention and punishment of specific forms of violence

60. This Act, adopted on 20 July 2011, was enacted with a view to strengthening the protection of women, children and persons with disabilities.

61. The purpose of the Act is to prevent and punish acts of violence that necessitate or justify specific forms of punishment or reparation, or penalties that are tougher or adjusted in other ways to cater to the particular vulnerability of the victims or the situations in which the acts of violence are perpetrated.

62. With regard to punishment in the strict sense of the term, the Act has added to the body of domestic legislation specifically addressing all forms of violence or threats of violence — physical, psychological, sexual or financial — against women in particular. In order to ensure that this actually translates into greater protection for women, specific preventive, protective and punitive measures have been introduced into the law of Monaco for acts such as honour crimes, female genital mutilation, forced marriage, marital rape and harassment.

63. In all cases where these acts are committed between spouses, or persons who are currently living together or who have lived together in the past for a time, Act No. 1.382 of 20 July 2011, referred to above, substantially stiffens the punishment, either by doubling the penalty provided for the ordinary offence or by imposing the maximum penalty for that offence.

64. In addition, failure to fulfil the obligation to make reparations counts as an aggravating circumstance with regard to the penalty to be imposed; this may lead, where appropriate, to revocation of the suspension of a sentence or of probation. This provision also applies to perpetrators of female genital mutilation, honour crimes and rape of a spouse or a family member. Domestic slavery and harassment are covered by comparable provisions.

65. With regard to assistance and protection for victims, the Government has decided to allow the courts to hand down decisions specifically to protect victims. Thus the Act gives the courts the option of imposing on perpetrators, under penalty of imprisonment for a period of between one and six months and a fine of between 9,000 and 18,000 euros:

(a) A fixed-term ban on entering into contact with the victims by any means whatsoever, including electronic communications;

(b) A fixed-term ban on visiting certain locations.

66. Under that provision, the judge has complete discretion to take a decision in line with the needs and situation of the victims. For example, the perpetrator could be banned from showing up in the vicinity of schools, gymnasiums and any other place of work, leisure or residence frequented by the victims, including, of course, their home. Such injunctions take a number of forms over the course of the various stages of proceedings that may follow acts of violence:

(a) Emergency measure taken by the prosecutor during the preliminary investigation;

(b) Measure taken by the investigating judge with a view to protecting the victims for the duration of the investigation;

(c) Supplementary punishment to a main sentence.

67. In the more specific context of criminal procedure, it should be noted that the legislation endeavours to provide support for the victim from the investigation phase onwards by enabling either the Public Prosecutor or the investigating judge to order a medical and psychological examination in order to determine the nature of the harm suffered and whether there is a need for an appropriate programme of care.

68. In keeping with international standards in this area, Act No. 1.382 of 20 July 2011 imposes the requirement for mandatory training (see the reply to question 4 on training).

Support for victims of violence: role of the Department of Social Welfare and Social Services

69. The Department of Social Welfare and Social Services is one of the main providers of care for women victims of domestic violence in Monaco.

70. Two multi-skilled social workers provide a continuous response service in which they minister to the needs of persons in difficulty.

71. As part of this service, they attend to victims of violence or children who have witnessed violence and, for that purpose, they are provided with comprehensive information.

72. Their work also includes:

(a) Helping women to talk about their experience;

(b) Informing them of their rights;

(c) Evaluating the situation so that they can propose appropriate support measures.

73. The multi-skilled social workers are accustomed to attending to foreign victims and they speak both French and English.

74. The victims are given copies of the applicable laws, a brochure containing the addresses and contact details of the various assistance and support facilities in Monaco and a booklet produced by the Association for the Support of Victims of Crime (AVIP).

75. The services which the Department may provide include:

(a) Financial assistance;

(b) Accommodation: the Department has at its disposal housing reserved for social emergencies; if none is available, another solution is offered, such as hotel accommodation;

(c) Psychological assistance: a psychologist is entrusted with providing support to victims of violence;

(d) Support in finding employment: a special needs assistant provides assistance to the victim in seeking employment, in partnership with the Employment Office.

76. In the area of child protection, the Department may provide the following services:

(a) Preparation of reports: it is responsible for evaluation surveys of children at risk;

(b) Monitoring of families (solely with the consent of the families themselves) and educational assistance measures (through non-institutional educational outreach services), ordered by the guardianship judge. In this context, social workers regularly come up against problems of domestic violence.

77. The geographical proximity of the entities involved means that the social workers' team at the Department of Social Welfare and Social Services can operate as a network:

(a) Together with hospital services and outpatient facilities, such as the La Roseraie psychiatric and medical psychology unit and the Centre Plati medical and psychological centre for children and teenagers, which are under the responsibility of the Department of Health;

(b) With all the various agencies involved in social welfare, for example the courts, the police, the municipality and the social security system, and also with civil society.

78. In addition, victims are informed orally and by any other appropriate means by police and criminal investigation officers of their right:

(a) To reparation for the harm suffered;

(b) To sue for damages if criminal proceedings are initiated by the public prosecution service, by bringing charges against the perpetrator before the corresponding court or by lodging a complaint with the examining magistrate;

(c) To receive assistance from the appropriate government agency or from a government-approved victims' aid association.

79. The victims are also to be furnished with Ministry-approved documentation for that purpose.

80. All public and private hospitals and medical practices in Monaco are to have free and anonymous access to that documentation.

81. Persons with disabilities who become victims of such acts of violence will have full access to all relevant information in a form that is suited to their disability.

Statistics of violence against women

Number of custodial sentences

82. Six in 2014:

(a) One sentence of 10 days (under article 236 of the Criminal Code — violence and assault causing total incapacity for work for more than 8 days);

(b) One sentence of 15 days (under article 236 of the Criminal Code — violence and assault causing total incapacity for work for more than 8 days);

(c) One sentence of one month (under article 238 — violence or assault causing total incapacity for work for eight days or less);

(d) Two sentences of two months (one for breach of article 236 of the Criminal Code — violence and assault causing total incapacity for work for more than eight days and one month for breach of article 167 of the Criminal Code — abuse of a person vested with public authority or entrusted with a public service task or a female police officer);

(e) One five-year sentence handed down by the criminal court (article 262 of the Criminal Code — rape).

83. Seven in 2015:

(a) One sentence of 15 days (under article 238 of the Criminal Code — violence and assault causing total incapacity for work for eight days or less);

(b) Two sentences of 20 days (under article 236 of the Criminal Code — violence and assault causing total incapacity for work for more than eight days);

(c) One sentence of one month (article 243, paragraph 1, of the Criminal Code — violence against a minor under 16 years causing total incapacity for work for less than eight days);

(d) Three 3-month sentences, two of which include a ban on re-establishing contact with the complainant (one for one year and one for three months): one for breach of article 167 of the Criminal Code — abuse of a person vested with public

authority or entrusted with a public service task or a female police officer; two for breach of article 239 of the Criminal Code — violence or assault on a spouse or cohabiting partner causing total incapacity for work for less than eight days.

Number of suspended sentences

84. Nine in 2014:

(a) One sentence of eight days (under article 238-1 of the Criminal Code — spousal violence without causing total incapacity for work);

(b) Three sentences of one month (under article 238 of the Criminal Code — violence and assault causing total incapacity for work for eight days or less);

(c) To sentences of two months (one for breach of article 239 of the Criminal Code — violence or assault on a spouse or cohabiting partner causing total incapacity for work for less than eight days — and one for breach of article 238 of the Criminal Code — violence or assault causing total incapacity for work for eight days or less);

(d) Two sentences of three months, one of which was suspended with probation for three years with the obligation to pay compensation to the victim (one for breach of article 236 of the Criminal Code — violence and assault causing total incapacity for work for more than eight days — and one for breach of article 167 of the Criminal Code — abuse of a person vested with public authority or entrusted with a public service task);

(e) One sentence of eight months suspended with probation for three years with obligations (under article 239 of the Criminal Code — violence or assault against a spouse or cohabiting partner causing total incapacity for work for less than eight days.

85. Ten in 2015:

(a) Three sentences of eight days (one for breach of article 238 of the Criminal Code — violence or assault causing total incapacity for work for eight days or less — and two for breach of article 239 of the Criminal Code — violence or assault against a spouse or cohabiting partner causing total incapacity for work for less than eight days;

(b) Two sentences of 15 days (under article 238 of the Criminal Code — violence or assault causing total incapacity for work for eight days or less), one of which included a 1,500 euro fine;

(c) Two sentences of three months' imprisonment, one suspended with probation for five years with the obligation to undergo treatment or care, even as a hospital inpatient, to work or to undergo training and a ban on re-establishing contact with a victim (one for breach of article 239 of the Criminal Code — violence or assault on a spouse or cohabiting partner causing total incapacity for work for less than eight days — and one for breach of article 243, paragraph 1, of the Criminal Code — violence against minors of 16 years of age causing total incapacity for work for less than eight days);

(d) One sentence of six months suspended with probation for three years (under article 239 of the Criminal Code — violence or assault against a spouse or cohabiting partner causing total incapacity for work for less than eight days);

(e) One sentence of seven months suspended with probation for three years with the obligation to compensate the victim (article 239 of the Criminal Code — violence or assault against a spouse or cohabiting partner causing total incapacity for work for less than eight days);

(f) One sentence of 12 months suspended with probation for three years (under article 238-1 of the Criminal Code — spousal violence without causing total incapacity for work) with the obligation to undergo treatment or care, even as a hospital inpatient).

Number of fines

86. Three in 2014:

(a) Three fines of 800 euros (one for breach of article 236 of the Criminal Code — violence or assault causing total incapacity for work for more than eight days — and two for breach of article 238 of the Criminal Code — violence or assault causing total incapacity for work for eight days or less);

(b) One fine of 600 euros (under article 236 of the Criminal Code — violence and assault causing total incapacity for work for more than eight days);

(c) One fine of 600 euros (under article 236 of the Criminal Code — violence and assault causing total incapacity for work for more than eight days).

87. One in 2015.

Trafficking and sexual exploitation

10. Provide information about the measures aimed at combating and preventing the trafficking and sexual exploitation of women and girls. Please state the steps being taken to train all relevant personnel, including law enforcement personnel and border personnel, on the identification of victims of trafficking. Are there plans to adopt a comprehensive national plan of action against trafficking in persons? Please provide information regarding the extraditions carried out by the State party in connection with the offence of trafficking in persons, as mentioned in paragraph 118 of the report. Also provide information on the specific steps taken to encourage victims of trafficking to report cases and on the remedies and support services provided to them. Please explain whether the State party plans to grant special protection, including temporary residence permits, to victims of trafficking, even when they are unwilling or unable to cooperate with the prosecutorial authorities. Please also indicate whether the State party gives priority to the rehabilitation of victims over their repatriation to their countries of origin. Please provide information on the extent to which women and girls are engaged in prostitution in the State party, including data disaggregated by age and nationality. Please also provide information on available to women and girls who wish to leave prostitution.

88. Monaco has not been untouched by the practices of prostitution and procuring. Cases of these practices are rare, however. When such activities are detected, they are of course prosecuted and punished in accordance with the applicable law.

89. The Police Department has two units equipped to monitor legal proceedings relating to the prostitution of women and girls: the Organized Crime Section of the Criminal Investigation Division and the Minors and Social Protection Section of the Administrative Police Division.

90. The officials assigned to these cases attend training courses as part of their initial and in-service training, covering both the interview methods and communication skills needed in dealing with persons of this nature and the provision to them of social, medical and psychological care. Various training sessions have been organized this year on domestic and family violence and on violence in general against vulnerable persons.

91. With regard to the legal framework, attention is drawn to the following provisions:

(a) Soliciting is punishable under article 421 of the Criminal Code, which stipulates that persons who, by their gestures, words, written texts or any other means, have publicly solicited persons of either sex with a view to inciting them to debauchery shall incur a prison sentence of between one and five days or a fine of between 200 and 600 euros or both;

(b) Procuring and other comparable sexual offences are punishable under articles 265 and following of the Criminal Code.

92. Section 268 of the Criminal Code provides that the following persons shall be considered to be procurers and shall be liable to imprisonment for periods of between six months and three years and to the fine established under category 3 of article 26, if they in any way:

(a) Recruit, coerce or mislead a person for the purpose of prostitution or exert pressure on a person to engage or continue engaging in prostitution;

(b) Aid, abet or protect the prostitution of another;

(c) Share the proceeds of prostitution or knowingly receive financial support of any kind from persons engaging in prostitution;

(d) Are unable to adduce evidence of resources commensurate with their lifestyle while being in regular contact with one or more persons engaging in prostitution.

The following, carried out by any person in any manner, shall be deemed to be procuring and shall incur the same penalties:

(a) Acting as intermediary between two persons, one of whom is engaging in prostitution and the other of whom is exploiting or remunerating the prostitution of another;

(b) Helping a procurer to provide evidence of fictitious resources.

93. Working in liaison with the French authorities, such as the Central Office for the Suppression of Human Trafficking, or supranational organizations, such as the International Criminal Police Organization (INTERPOL), the Police Department is endeavouring to uncover and identify members of prostitution networks.

94. Where sentencing is concerned, an illustrative example is the judgment handed down by the Criminal Court on 3 April 2001, condemning two men to sentences of three years' imprisonment and a 30,000 franc fine for procuring and aiding the procurement of prostitutes.

95. With regard to the provision of information and support to women victims of violence or harassment in the context of prostitution or trafficking, Monaco has an array of laws, civil society organizations, institutions and social systems that make possible the provision of immediate assistance to potential victims. Two bodies particularly active in this area are the Association for the Support of Victims of Crime (AVIP) and GenderHopes.

Participation in political and public life

11. Provide information on the efforts being made by the State party to increase the equal participation of women in senior positions in the civil service and the judiciary and, in particular, the Supreme Court, the Court of Review and the national and communal councils.

96. As indicated in the national report, women are fully involved in decision-making, as demonstrated by the number of women in leadership positions.

97. This is the result of equal access to education and the measures taken by the Government of Monaco to ensure a sound work-life balance.

98. The Monegasque authorities intend to maintain their policy in these areas.

Nationality

12. The report indicates that the adoption in December 2011 of Act No. 1.387 amending Act No. 1.155 on nationality represents a significant step forward towards the attainment of gender equality in the transmission of nationality (paras. 170-176). Please explain how the new amendments have helped to prevent cases of stateless children, given that divorced persons who became Monegasque nationals through marriage cannot transmit Monegasque nationality to their children who are born after the divorce or to future spouses.

99. Under Act No. 1.387 of 11 December 2011 amending Act No. 1.155 of 18 December 1992, divorced persons who have acquired nationality through marriage may not transmit it to their children born subsequently or to future spouses. In order to avoid cases of children being stateless, foreign spouses who have acquired Monegasque nationality through marriage must in that case retain their original nationality.

Education

13. It is noted in the report that girls and boys have equal access to high-quality education and that education is compulsory for children between the ages of 6 and 16 years (paras. 178-180) who are Monegasque nationals or whose parents or legal representatives are residents of or lawfully established in the State party. Please indicate what steps have been taken to integrate migrant girls and boys into the national school system and what efforts are being made to amend the law in order to guarantee free education to migrant children whose parents or legal representatives are neither residents of nor lawfully established in the State party.

100. It should be noted that Monaco is not a destination for migrants. There are, however, persons with the status of refugees residing in Monaco.

101. Furthermore, at the request of the Sovereign Prince, in recent years Monaco has been sharing the hosting of families of refugees from the Middle East.

102. Thus, two children (one boy and one girl) were placed in Monegasque schools in late 2016. These two schoolchildren were included in a sixth-year class of French as a foreign language.

103. Their timetable was so arranged because of their total lack of knowledge of the French language. To help them gain proficiency in the language, they received tuition from an Arabic-speaking teacher for three sessions per week. These classes complemented the course in French as a foreign language which they followed at the college.

104. Their school fees (for textbooks and teaching materials, sports kit, school meals and, in January 2017, ski school) are covered by the Department of Education, Youth and Sport.

105. In addition to the specific supervisory arrangements in place within the school, all staff members involved with their education are required to give particular attention to the integration of these youngsters. Steps have been taken to ensure that teachers responsible for psychosocial development and the school nurse are made particularly aware of their needs.

106. In addition, the Arabic-speaking teacher reports every week on their progress in French language and also, as this teacher is one of the few people who can communicate more fully with them, on how they are adjusting to this new situation.

107. The two children are now well integrated in their educational establishment and additional courses have been added to their initial timetable. In the next school year, they will follow the timetable for the fifth-year class, which they will join, and they will continue to receive tuition in French as a foreign language.

108. In addition, at the request of the Department of Education, one of these children has been enrolled in the Higher School of Visual Arts, where he attends drawing classes. The other is taking part in activities organized by the Princess Stephanie Youth Centre.

14. Please provide data, disaggregated by sex and field of study, on the enrolment of women and men in tertiary education in the State party and abroad. Also provide information on the position of women in leadership roles in academic institutions and data, disaggregated by sex, on the number of women in senior administrative and academic positions at all levels of the education system.

109. See the annexes to the present report.

Employment

15. It is stated in the report that there is no discrimination with respect to remuneration, recruitment or dismissal in either the public or the private sector (para. 219). Please provide information on the de facto situation of women in the labour market in both sectors and on how the State party monitors the implementation of acts regulating those sectors. Provide information on the specific steps taken to address discrimination in recruitment and promotion and pay gaps in the private sector. Please indicate whether any research has been conducted to assess the impact of part-time work, flexible working arrangements and teleworking (the introduction of which is currently under discussion) on women's career advancement and retirement pensions.

110. Generally speaking, the Labour Inspectorate is the entity responsible for enforcing legislation on labour law and on occupational health and safety.

111. Specifically in relation to equal pay between men and women, in article 2, paragraph 1, Act No. 739 of 16 March 1963, the Wages Act, as amended by Acts Nos. 948 of 19 April 1974 and 1.068 of 28 December 1983, establishes the principle of equality and, in its article 2-2, renders null and void any provision that would amount to wage discrimination on the grounds of sex.

112. Article 2-3 stipulates that the above two articles and their implementing orders must be displayed in all establishments employing women, in the workplace and in premises where the actual hiring takes place.

113. All employees, regardless of sex, should thus receive equal remuneration for similar work or work of equal value and this remuneration is understood to comprise the wage and all related advantages and benefits, whether direct or indirect, in cash or in kind. This means that the various components of the

remuneration must be fixed on the same basis for every employee, without distinction on grounds of sex.

114. Categories and criteria for classification and professional promotion, and all the other factors used in calculating remuneration, must be the same for employees of both sexes.

115. Labour inspectors may demand to be shown the various factors applied in establishing wage levels in an enterprise and, in particular, the rules, categories, criteria and bases for calculation mentioned in article 2-1 of the aforementioned Act (Sovereign Ordinance No. 5392 of 4 July 1974, on the implementation of Act No. 948 of 19 April 1974, supplementing and amending the Wages Act, No. 739 of 16 March 1963, in respect of equal pay for men and women).

116. It is entirely possible that, in the future, the Monegasque Institute of Statistics and Economic Studies will be entrusted with the conduct of a study on the pay gap between men and women.

16. **The Committee notes that Statutory Order No. 399 of 1944, by which the establishment of a trade union is authorized if the majority of its members are Monegasque or French nationals, is still in force even though more than 90 per cent of employees in the private sector are foreign nationals, including many women. Please indicate whether the State party intends to review the Statutory Order, with a view to amending it to make employees of all nationalities eligible to join a trade union. The Committee also notes that, under article 6 of Act No. 729 of 1963, dismissal without reasons is permitted, a provision that has been used to arbitrarily dismiss foreign women employees shortly after their maternity leave.**

117. It is conceivable that, in the future, consideration may be given to amending Statutory Order No. 399.

118. With regard to Act No. 729 of 1963, it should be recalled that the Labour Inspectorate monitors compliance with labour legislation. In addition, every person has the right to take legal action. Similarly, as noted above, complaints may be lodged with the High Commission for the Protection of Rights, Liberties and for Mediation.

Health

17. **Provide information on whether age-appropriate education on sexual and reproductive health and rights and responsible sexual behaviour is available in the State party. Please also indicate what awareness-raising campaigns are being conducted on HIV/AIDS prevention. The three cases in which it is possible to have a medical termination of pregnancy are set out in paragraph 241 of the report. Please indicate whether legal provisions are in place that decriminalize abortion in all cases. Please also provide information on the availability of and access to sexual and reproductive health services, including modern forms of contraception, as well as the provision of post-abortion care in all cases.**

Health education

119. As noted in the initial report, pursuant to Act No. 1.334 on education (article 39), education on health and hygiene includes a number of awareness-raising and prevention campaigns which are run in schools for pupils at all levels.

120. These actions are adapted to the age of the pupils and cover many areas, with the aim of ensuring a healthy living environment for all children, from conception to adulthood.

121. The health education programmes cover such areas as food, sleep and exercise. The programmes for teenage pupils focus on such issues as addiction, road safety, the dangers of the Internet, sexuality, high-risk behaviour in sports, and others.

122. They involve a range of participants: pupils, parents, teaching staff, the Police Department, the Department of Health and Social Affairs, the Red Cross and non-governmental organizations, among others.

123. Sexual and reproductive health education forms part of the school curriculum under the subject of life and Earth sciences.

124. Awareness-raising activities to combat sexually transmitted infections are held every year for high school pupils in partnership with such Monegasque associations as Fight Aids Monaco, under the patronage of Her Serene Highness Princess Stéphanie.

125. In addition, information sessions, workshops, round tables, meetings with doctors and interactive shows are organized during the three years of high school so as to make pupils aware of the dangers, the means of prevention and their rights.

Medical termination of pregnancy and access to sexual and reproductive health services

126. Act No. 1.359 of 20 April 2009 permits the medical termination of pregnancy in three specific cases:

(a) The pregnancy poses a risk to the life or physical health of the pregnant woman;

(b) Antenatal examinations and other medical data indicate a high probability that the foetus will suffer from a serious, irreversible disorder or an incurable life-threatening condition;

(c) There are sufficient grounds to presume that the pregnancy was the result of a criminal act and that less than 12 weeks have elapsed since the start of the pregnancy.

127. In addition, a centre has been established under the Act for antenatal coordination and family support. The centre is designed to provide pregnant women and their families with the information and support needed during the antenatal period and up to the birth of the child and, in particular, where the woman is faced with physical, psychological or social difficulties linked to her pregnancy.

Access to social benefits

18. It is indicated in the report that the head of the household receives the family benefits for children under the family benefits scheme and that the man is recognized as the head of the household in the vast majority of cases (para. 256). Please indicate the measures envisaged by the State party to eliminate discrimination against women in the determination of the head of the household and to ensure that family responsibilities are shared equally between women and men. Please also indicate what steps are being taken to ensure that migrant women have access to social protection and benefits. If the law of the State party contains no provision preventing women's access to bank loans, mortgages and other forms of financial credit (para. 261), please provide data,

disaggregated by sex, on the number of women and men who are beneficiaries of such loans and financial credit.

Concept of head of the household

128. In most cases the man is recognized as head of the household.

129. It should be noted, however, that Act No. 595 of 15 July 1954 establishing the family benefits scheme stipulates, among other things, that those benefits are paid to the mother.

130. This issue is a continuing concern and one on which discussions are still in progress.

Access to bank loans

131. No statistics of lending institutions are available to the Government of Monaco.

Disadvantaged women

19. Provide detailed information on the intersecting forms of discrimination faced by women with disabilities, migrant women and persons living with HIV/AIDS and indicate what measures are in place to eliminate such discrimination, in particular in the areas of education, employment, health and participation in political and public life.

20. Please also indicate whether women asylum seekers, refugees and migrants and women and girls with disabilities have effective access to justice and other services, such as shelters, social services and legal and psychological counselling.

132. As part of its commitment to human rights, the Government of Monaco is actively pursuing a policy to promote the rights of persons with disabilities and to benefit persons living with HIV/AIDS.

133. On the issue of disability, attention may be drawn to the adoption at the end of 2014 of Act No. 1.410 on the protection, autonomy and promotion of the rights and freedoms of persons with disabilities and, at the end of 2016, of Act No. 1.441 on the accessibility of the built environment.

134. Where HIV/AIDS is concerned, the Government of Monaco and Monegasque non-governmental organizations are taking steps to combat the disease, to provide treatment for infected persons and to monitor their living conditions. In this context, the personal commitment shown by Princess Stéphanie, through her association Fight Aids Monaco, is of particular note.

Marriage and family relations

21. The provisions of article 274-1 of the Criminal Code relating to forced marriage are mentioned in the report. Please provide information on the current situation with regard to forced marriage in the State party. It is noted in the report that the Government was considering reforming legislation with regard to the question of name attribution, given that a married woman cannot give her family name to her child, and that a bill amending the provisions of the Civil Code in that regard was submitted to the National Council for consideration

in May 2015 (para. 282). Please update the Committee on the status of the bill, including information on the time frame for its adoption.

135. Forced marriage is an offence under Act No. 1.382 of 20 July 2011 on the prevention and punishment of specific forms of violence. Article 16 of the Act introduces a new article 274-1 of the Criminal Code, under which such marriages are rendered null and void and imposing a penalty of between three and five years of imprisonment and a fine of between 18,000 and 90,000 euros.

136. Those provisions have not been amended since their enactment.

137. As for the Act amending certain provisions of the Civil Code relating to the name and providing for pre-birth recognition of the child, this was adopted in December 2016 (Act No. 1.440).

138. The Act allows parents to transmit to their children either the father's name or, by mutual agreement, that of the mother.

139. The Act also enshrines the early recognition of the unborn child and provides for the inclusion in the Civil Code of clauses relating to the customary name.

22. **Indicate under what circumstances the Prince of the State party may waive the age requirement for marriage and in how many cases during the reporting period this prerogative was exercised. Please indicate whether an amendment of articles 126-129 of the Civil Code is envisaged in order to repeal the discriminatory provision whereby a woman cannot remarry until 310 days after the dissolution of her previous marriage.**

140. The Civil Code provides that the Prince may grant a dispensation from the age requirement for compelling reasons if the minor is aged at least 16. The pregnancy of the future wife may be one of the reasons justifying a request for such dispensation.

141. To date, the amendment of articles 126-129 of the Civil Code has not been included among the priority cases handled by the Government's legal services.

Amendment to article 20 (1)

23. **Please indicate whether any progress has been made towards the acceptance of the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

142. Information on the procedure for accepting the amendment to article 20 of the Convention will be provided during the dialogue with the Committee in autumn 2017.